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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. 19-0381-04 CRB
)	
Plaintiff,)	JOINT MOTION AND PROPOSED ORDER TO
)	SCHEDULE A CHANGE OF PLEA HEARING
v.)	AND TO EXCLUDE TIME UNDER THE SPEEDY
)	TRIAL ACT
ALLAN JOSUE FUNEZ OSORTO,)	
)	
Defendant.)	

On May 11, 2020, the Court issued an Order, dkt. 210, rejecting the plea agreement entered into by the parties on May 5, 2020, *see* dkt. 206. In light of the Court's Order, the parties jointly move to set a new change of plea hearing for Defendant Allan Josue Funez Osorto on June 3, 2020, directly prior to the currently scheduled sentencing. The parties anticipate presenting the Court with a revised plea agreement that the parties believe may address the Court's concerns raised in its Order.

Paragraph 5, referenced in the Court's order, no longer includes language regarding 18 U.S.C. § 3582(c). With that revision, Paragraph 5 of the standard plea agreement now states:

I agree not to file any collateral attack on my conviction or sentence,
including a petition under 28 U.S.C. § 2255 or 28 U.S.C. § 2241, except

JOINT MOT. TO SCHEDULE PLEA HRG
AND EXCLUDE TIME
19-0381-04 CRB

1 that I reserve my right to claim that my counsel was ineffective.

2 The parties also agree and jointly request that the time from May 5, 2020 (the date of the original
3 change of plea hearing) and June 3, 2020, be excluded from the calculation under The Speedy Trial Act
4 for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Defense counsel will need
5 time with an interpreter to explain the procedural posture to his client, as well as to go over the revised
6 agreement. The parties further stipulate and agree that the ends of justice served by excluding the time
7 from May 5, 2020 through June 3, 2020, from computation under the Speedy Trial Act outweigh the
8 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

9 DATED: May 15, 2020

Respectfully submitted,

10
11 DAVID L. ANDERSON
United States Attorney

12 /s
13 SAILAJA M. PAIDIPATY
Assistant United States Attorney

14 DATED: May 15, 2020

15 /s
16 ADAM GASNER
17 Attorney for Defendant Funez
Osorto

18
19 ~~[PROPOSED]~~ ORDER


20 Good cause having been show, a change of plea hearing will be scheduled for June 3, 2020, at
21 10:00 a.m. Based upon the facts set forth above, the Court finds that failing to exclude the time from
22 May 5, 2020 through June 3, 2020, would unreasonably deny defense counsel and the defendant the
23 reasonable time necessary for effective preparation, taking into account the exercise of due diligence 18
24 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
25 from May 2, 2020 to June 3, 2020, from computation under the Speedy Trial Act outweigh the best
26 interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties,
27 IT IS HEREBY ORDERED that the time from May 2, 2020 through June 3, 2020, shall be excluded

28 JOINT MOT. TO SCHEDULE PLEA HRG
AND EXCLUDE TIME
19-0381-04 CRB

1 from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

2 IT IS SO ORDERED.

3
4 DATED: May 18, 2020


HON. CHARLES R. BREYER
United States District Judge